



U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

PART	SUBJECT	RELEASE NUMBER
060 FW 3	Equal Opportunity Program Reasonable Accommodations for Individuals with Disabilities	420
FOR FURTHER INFORMATION CONTACT Division of Human Resources		DATE March 11, 2003

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter revises the guidelines on reasonable accommodations for individuals with disabilities in accordance with the Department of the Interior and the Equal Employment Opportunity Commission.


ACTING DIRECTOR

FILING INSTRUCTIONS:

Remove:

060 FW 3, 07/09/01, FWM 370

Insert:

060 FW 3, 03/11/03, FWM 420

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3.1 What is the purpose of this chapter? This chapter establishes Fish and Wildlife Service policy and procedures for accommodating individuals with disabilities. As used in this chapter, the terms "we" and "our" refer to the Fish and Wildlife Service.

3.2 To whom does this chapter apply? This chapter applies to employees and applicants for employment who have a disability as defined in paragraph 3.6.

3.3 What is the Service's policy on reasonable accommodation? Our policy is to fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973, as amended.

A. We will provide reasonable accommodations to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. We are committed to providing reasonable accommodations to our employees and applicants for employment in order to assure that individuals with disabilities enjoy equal employment opportunity at the Service.

B. We will process requests for reasonable accommodation and, where appropriate, provide reasonable accommodations in a prompt, fair, and efficient manner.

3.4 What are the authorities for carrying out this policy?

A. Section 501, Rehabilitation Act of 1973 (Public Law 93-112, as amended by Public Law 93-651).

B. 29 CFR 1614 (Federal Sector Equal Employment Opportunity) and 29 CFR 1630 (Regulations to Implement the Equal Employment Provisions of the Americans With Disabilities Act).

C. Executive Order 13164 and Equal Employment Opportunity Commission policy guidance implementing EO 13164, "Establishing Procedures to Facilitate the Provision of Reasonable Accommodation."

3.5 What are the responsibilities of key Service staff in carrying out this policy?

A. Assistant Director - Budget, Planning and Human Resources establishes and implements policy to ensure that the Service makes reasonable accommodations for qualified persons or applicants with a disability, in accordance with applicable laws, regulations, and bargaining unit agreements.

B. Chief, Diversity and Civil Rights Branch (HR-DCR), Washington Office, provides overall guidance and assistance to Regional DCR offices. The Washington

Office, DCR or designated staff will provide technical assistance on an as-needed basis and training regarding the implementation of this chapter.

C. Disability Program Manager provides overall guidance and assistance to the Regional DCR offices, and, in conjunction with the Chief, Diversity and Civil Rights Branch, provides technical assistance and training regarding the implementation of this chapter, and the Rehabilitation Act generally.

D. Regional Directors will implement this policy within their Region. They must ensure that the Regional DCR and Human Resources offices have the resources and expertise to adequately respond to requests for reasonable accommodations. This includes ensuring that staffs are adequately trained.

E. Regional Human Resources Officers and Chief, Branch of Headquarters Human Resources will:

(1) Accept requests from employees or applicants for reasonable accommodations. Vacancy announcements must include language on providing reasonable accommodations and provide a contact for persons to request an accommodation.

(2) Provide appropriate guidance/advice to managers to enable them to make the initial determination as to whether or not we will grant an accommodation.

(3) Ensure that all managers and staff having contact with applicants know how to recognize and handle requests for reasonable accommodation.

(4) Identify vacancies when the failure of a qualified person with a disability to perform one or more essential functions of that job requires an attempt to reassign that employee, in accordance with legal mandates.

F. Service managers and supervisors will:

(1) Ensure that they make selections of qualified disabled persons in a nondiscriminatory manner, and that they implement reasonable accommodations for persons with disabilities.

(2) Make the initial determination on whether an accommodation sought by an employee or applicant is reasonable or will constitute an undue hardship.

(3) Adhere to the time frames outlined in paragraph 3.15.

(4) Coordinate with the appropriate Servicing Human Resources Office if the manager and the employee cannot agree on the accommodation needed, if assistance is requested in processing the accommodation request, or if the Service needs to reassign a person with a disability

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because of failure to perform one or more essential functions of a job.

G. Regional DCR Chiefs are responsible for training Regional managers and staff on reasonable accommodation requirements. The Regional DCR Chiefs are normally the point of contact for Regional Human Resources Officers in the Region when managers cannot agree with the employees or applicants on the accommodation requests, or when consultation is needed. If the Regional DCR Chiefs cannot resolve the issues related to accommodation requests, they will contact the Washington Office DCR for assistance in the resolution effort.

3.6 What are the definitions for some terms used in this chapter?

A. Disabled Person. A person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

B. Physical or Mental Impairment. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; muscular-skeletal; special sense organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

C. Major Life Activities. Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

D. Has a Record of Such an Impairment. Has a history of or has been classified or misclassified as having a mental or physical disability that substantially limits one or more major life activities.

E. Regarded as Having Such an Impairment. Having a physical or mental impairment that does not substantially limit major life activities, but is treated by an employer as constituting such a limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of an employer toward such an impairment; or has none of the impairments defined above but is treated by an employer as having such a limitation.

F. Qualified Individual with a Disability. An individual with a disability is qualified if she or he (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) can perform the essential functions of the position with or without reasonable accommodation.

G. Essential Functions. Those job duties that are so fundamental to a position that an individual cannot do the job without performing them. A function can be "essential" if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on his/her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.

H. Reasonable Accommodation. Change or adjustment to a job or worksite that makes it possible for otherwise qualified employees with disabilities to perform the essential functions of the positions in question. This includes taking into consideration the needs of the applicant or employee, his/her specific disability, the essential duties for the position in question, the work environment, and the reasonableness of the proposed accommodation.

I. Undue Hardship. An action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business. If a specific type of reasonable accommodation causes significant difficulty or expense, you do not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation needed, and the impact of the reasonable accommodation on the operations of the Department. Per paragraph 3.22, each Regional Director and Assistant Regional Director is responsible for ensuring that sufficient resources are available for providing reasonable accommodations to qualified persons with disabilities.

J. Decisionmaker. The individual responsible for engaging in the interactive process with the applicant or employee who is requesting an accommodation, and the individual responsible for making the decision regarding whether and what type of accommodation to grant. This usually is the first line supervisor. Decisionmakers should make their decision after consulting with all appropriate individuals, per this chapter and the processes set up in their Region.

3.7 What is a reasonable accommodation? A reasonable accommodation is a change or adjustment to a job or worksite that makes it possible for otherwise qualified employees with disabilities to perform the essential functions of the positions in question. This includes taking into consideration the needs of the applicant or employee, his/her specific disability, the essential duties for the position in question, the work environment, and the reasonableness of the proposed accommodation. We will make reasonable accommodation for a qualified person with a disability

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unless providing such accommodation would impose an undue hardship on the operation of a Service program. Many accommodations are not costly, nor do they adversely affect the operation of a program. An accommodation must be work related. We are not required to provide things for personal needs such as eye glasses, hearing aids, wheelchairs, service dogs, or transportation.

3.8 Can I be granted leave as a reasonable accommodation? Yes. Permitting the use of accrued paid leave, or unpaid leave, is a form of reasonable accommodation when necessitated by an employee's disability. An employer does not have to provide paid leave beyond that which is provided to similarly-situated employees. Employees granted leave as an accommodation are entitled to return to their same position, unless it can be demonstrated that holding the position open would cause an undue hardship.

3.9 Can I request a change to a different supervisor as a reasonable accommodation? No. However, Service management may pursue this option on its own initiative.

3.10 Can my job be restructured as a reasonable accommodation? Yes. Redistributing marginal, but not essential, job functions is a form of accommodation, and so is altering when and/or how a job function (marginal or essential) is performed. We are not required to reallocate essential functions as a reasonable accommodation. If, as a reasonable accommodation, we restructure an employee's job to eliminate some marginal functions, we can require the employee to take on other marginal functions.

3.11 Can I be reassigned to another job as an accommodation? Yes. Reassignment is a form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignment will only be considered if no accommodations are available to enable the individual to perform his/her current job, or if the only effective accommodation would cause undue hardship. Reassignments are made only to vacant positions and to employees who are qualified for the vacant position. If the employee is qualified for the position, he/she will be reassigned to the job and will not have to compete for it. The decisionmaker will work with Human Resources to identify vacant positions for which the employee may be qualified, with or without an accommodation. We may reassign the employee to a vacant position even if the position has already been advertised. We will first focus on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, then we will consider

vacant lower level positions for which the individual is qualified. The reassignment search will be expanded beyond the local commuting area if necessary. The reassignment search will be expanded to include the Department of the Interior only after all reassignment possibilities have been exhausted within the Service. We will not pay for the employee's relocation costs.

3.12 How do I request a reasonable accommodation?

A request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." In communicating with employees, managers and supervisors must be thoughtful of the fact that the need for accommodation may be casually expressed and not demanded. An individual with a disability may request a reasonable accommodation whenever he/she chooses, even if he/she has not previously disclosed the existence of a disability. An employee may request a reasonable accommodation orally or in writing from his/her supervisor, or another supervisor or manager in his/her immediate chain of command. An applicant may request a reasonable accommodation, orally or in writing, from any Service employee with whom the applicant has contact in connection with the application process. The Human Resources specialist responsible for the recruitment and/or selection process will handle requests for accommodation from an applicant. The Regional Human Resources Offices are responsible for training staff involved in the application process to recognize requests for reasonable accommodation and to handle them appropriately. Supervisors and managers also should ensure that all staff having contact with applicants know how to recognize and handle requests for reasonable accommodation. A family member, health professional, or other representative may request an accommodation on behalf of a Service employee or applicant. The request should go to one of the same persons to whom the employee or applicant would make the request.

3.13 Should I follow up a verbal request for accommodation in writing?

Yes. We will begin processing a verbal request as soon as it is made. However, to enable the Service to keep accurate records regarding requests for accommodation, employees seeking a reasonable accommodation must follow up an oral request either by completing FWS Form 3-2240 (Confirmation of Request for Reasonable Accommodation) or otherwise confirming their request in writing to the Servicing Human Resources Office. For applicants seeking a reasonable accommodation, the Servicing Human Resources Office handling the request will ensure that the applicant's request is confirmed in writing. A written confirmation is not required when an individual needs a reasonable accommodation on a repeated basis (e.g., the assistance of sign language interpreters or readers). The written form is required only for the first request although, of course, appropriate notice must be given each time the accommodation is needed.

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3.14 What is the interactive process?

A. The next step is for the parties to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the Service decisionmaker must talk to each other about the request, the process for determining whether or not an accommodation will be provided, and potential accommodations. The decisionmaker is usually the first line supervisor. Communication is a priority throughout the entire process. The Service decisionmaker will explain to the applicant or employee that he/she will be making the decision on the request, and describe what will happen in the processing of the request. The Service decisionmaker will have the principal responsibility for identifying possible accommodations. He/she will take a practical approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. The employee requesting the accommodation should also participate to the extent possible in helping to identify an effective accommodation. Resources that help both the decisionmaker and the individual requesting the accommodation to identify possible accommodations are available from the Servicing Human Resources Office. This initial discussion should happen as soon as possible.

B. When a request for accommodation is made by a third party, the decisionmaker should, if possible, confirm with the applicant or employee with the disability that he/she, in fact, wants a reasonable accommodation before proceeding. It may not be possible to confirm the request if the employee has, for example, been hospitalized in an acute condition. In this situation, we will process the third party's request and will consult directly with the individual needing the accommodation as soon as practicable. Ongoing communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible reasonable accommodations.

C. In those cases where the disability, the need for accommodation, and the type of accommodation that should be provided are clear, extensive discussions are not necessary. Even so, the decisionmaker and requesting individual should talk to each other to make sure that there is a full exchange of relevant information.

D. We will make determinations on an individual basis and will explore alternatives to determine if the particular reasonable accommodation is the most effective one for both the employee and the Service. The decisionmaker or any other Service official who receives information in connection with a request for reasonable accommodation may share information connected with that request with other agency officials only when the agency official(s) needs to know the information in order to make determinations on a reasonable accommodation request.

See paragraph 3.17 for specific rules governing the confidentiality of medical information. See also paragraph 3.16 regarding whether or not an employee can be required to provide medical documentation regarding their disability.

3.15 What are the time frames for processing requests and providing reasonable accommodations? We will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. We recognize, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether or not it is necessary to obtain supporting information.

A. Regular Processing. If a request for an accommodation can be processed by the requesting employee's supervisor or manager, no supporting medical information is required, and no extenuating circumstances apply, we will process the request and provide the accommodation, if granted, in no more than 15 business days from the date the supervisor or manager receives the request, and sooner, if possible. Since decisionmakers may need the full 15 days to engage in the interactive process and collect all relevant information about possible accommodations, they should not delay beginning this process. Failure to meet this time frame solely because a decisionmaker delayed processing the request is not an extenuating circumstance. See paragraph 3.15C for information on "extenuating circumstances." If the decisionmaker believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, the decisionmaker will make such request as soon as possible after his or her receipt of the request for accommodation, but before the expiration of the 15-day period. The need for documentation may not become apparent until after the interactive process has begun. If the decisionmaker needs medical information, the 15-day period is frozen until the medical information is received. Within 15 business days from the date the decisionmaker receives the relevant medical information, he/she will make a decision and provide the accommodation, if granted. Examples of accommodations that can easily be provided within this 15-day time frame include:

(1) An employee with diabetes who sits in an open area asks for four breaks a day to test his/her blood sugar levels so that he/she may do these tests in private.

(2) A supervisor distributes detailed agendas at the beginning of each staff meeting because an employee with a learning disability needs more time to prepare.

B. Expedited processing. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than the 15 business days discussed above. This

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includes where a reasonable accommodation is needed to enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation in order to ensure that an applicant with a disability has an equal opportunity to apply for a job. Therefore, the supervisor or manager and Servicing Human Resources Office need to move as quickly as possible to make a decision and, if appropriate, provide a reasonable accommodation. Expedited processing would also be appropriate to enable an employee to attend a meeting scheduled to occur in the near future. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days. Other requests may also be appropriate for expedited processing.

C. Extenuating Circumstances.

(1) Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. Extensions based on extenuating circumstances will be limited to circumstances where they are strictly necessary. All Service staff will act as quickly as reasonably possible in processing requests and providing accommodations. The following are examples of extenuating circumstances:

- (a) There is an outstanding initial or follow-up request for medical information.
- (b) The purchasing of equipment takes longer than desired.
- (c) New staff needs to be hired or contracted.
- (d) An accommodation involves the removal of architectural barriers.

(2) Extenuating circumstances cover limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. You may not delay processing or providing an accommodation because a particular staff member is unavailable. Therefore, Regions should identify an alternate staff member in case the primary contact person is not available. Where extenuating circumstances are present, the decisionmaker must notify the individual of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated promptly to the individual. If there is a delay in providing an accommodation that has been

approved, the decisionmaker must investigate whether or not temporary measures can be taken to assist the employee. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation on a temporary basis. In addition, the decisionmaker may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if they do not interfere with the operations of the Service, and the employee is clearly informed that they are being provided only on a temporary, interim basis. For example, there may be a delay in receiving adaptive equipment for an employee with a vision disability. During the delay, the supervisor might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives. If a delay is attributable to the need to obtain or evaluate medical documentation and we have not yet determined that the individual is entitled to an accommodation, we may also provide an accommodation on a temporary basis. In such a case, the decisionmaker will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the accommodation request. Service decisionmakers who approve such temporary measures are responsible for assuring that they do not take the place of a permanent accommodation and that all necessary steps to secure the permanent accommodation are being taken.

3.16 Can I be required to provide medical information regarding my disability? Yes. We are entitled to know that an employee or applicant has a covered disability that requires a reasonable accommodation. In some cases, the disability and need for accommodation will be obvious to the decisionmaker or otherwise already known to the decisionmaker. In these cases, we will not seek any medical information. However, when a disability and/or need for reasonable accommodation is not obvious or otherwise already known to the decisionmaker, we can require that the individual provide reasonable documentation about the disability and his or her functional limitations.

A. If a supervisor or other decisionmaker believes that medical information is necessary in order to evaluate a request for reasonable accommodation, he/she will make a request to the employee to obtain such information. The supervisor or other decisionmaker will make a determination as to whether or not medical documentation is necessary. If it is, he/she will request the necessary medical information. If it is not necessary, the request for accommodation will be returned promptly to the decisionmaker to complete the processing.

B. If a determination is made to seek medical information, we will request information sufficient to substantiate that the individual has a Rehabilitation Act disability and needs

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the reasonable accommodation requested, but will not ask for unrelated documentation. The decisionmaker will seek information or documentation about the disability and/or functional limitations from the individual, and/or ask the individual to obtain such information from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor. In order to get the most helpful information possible, all requests for information should describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information. Once the medical documentation is received, the decisionmaker will evaluate it, in consultation with a physician chosen by the Service, if necessary. If the information provided by the health professional (or the information volunteered by the individual requesting the accommodation) is insufficient to enable the Service to determine whether or not an accommodation is appropriate, further information will be requested. First, however, he/she will explain to the individual seeking the accommodation, in specific terms, why the information that has been provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request. The individual may then ask the health care or other appropriate professional to provide the missing information. Alternatively, the decisionmaker and the individual requesting the accommodation may agree that the individual will sign a limited release, and that we may thereafter submit a list of specific questions to the individual's health care professional or may otherwise contact the individual's doctor. If, after a reasonable period of time, there is still not sufficient information to demonstrate that the individual has a disability and needs a reasonable accommodation, the decisionmaker may request that the individual be examined by a physician chosen by the Service.

C. In some cases, the individual requesting the accommodation will supply medical information directly to the decisionmaker without being asked. In these cases, the decisionmaker will consider such documentation and if additional information is needed, the decisionmaker will work with the Servicing Human Resources Office on this determination. The failure to provide appropriate documentation or to cooperate in our efforts to obtain such documentation can result in a denial of the reasonable accommodation.

3.17 What are the confidentiality requirements regarding medical information obtained during the reasonable accommodation process?

A. Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information, including information about functional limitations and reasonable accommodation needs, that we obtain in connection with a request for reasonable accommodation must be kept in

files separate from the individual's personnel file. It also means that any Service employee who obtains or receives such information is strictly bound by these confidentiality requirements.

B. The Servicing Human Resources Office will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to all requests for disclosure of the records, including requests made under the Freedom of Information Act and Privacy Act. All records will be maintained in accordance with the requirements of 29 CFR 1611 and 5 CFR 293.505.

C. For guidance on the disclosure of medical information, see the approved Privacy Act systems of records identified as OPM/GOVT-7 and OPM/GOVT-10. Medical information may be disclosed only as follows:

(1) If strictly necessary, to supervisors and managers who need to know about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s).

(2) To first aid and safety personnel, when appropriate, if the disability might require emergency treatment.

(3) To Government officials when it is necessary to investigate the agency's compliance with the Rehabilitation Act.

(4) To workers' compensation offices or insurance carriers, in certain circumstances.

(5) To Regional Diversity and Civil Rights Office (DCR) and Human Resources managers to assist with the accommodation process and other disability-related organizations that may be able to provide technical or other related guidance on accommodations.

D. Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that attach to it.

3.18 Will I be informed on the status of my accommodation request? As soon as the decisionmaker determines that a reasonable accommodation will be provided, he/she should immediately communicate that decision to the individual. If the accommodation cannot be provided immediately, the decisionmaker must inform the individual of the projected time frame for providing the accommodation. This notice does not need to be in writing.

3.19 What are the procedures for the denial of a reasonable accommodation request?

A. As soon as the decisionmaker determines that a request for reasonable accommodation will be denied,

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he/she must fill out FWS Form 3-2241 (Denial of Reasonable Accommodation Request) and give it to the individual who requested the accommodation. The explanation for the denial should be written in plain language, clearly stating the specific reasons for the denial. Where the decisionmaker has denied a specific requested accommodation, but offered to make a different one in its place that was not agreed to during the interactive process, the denial notice should explain both the reasons for the denial of the requested accommodation and the reasons that the decisionmaker believes that the chosen accommodation will be effective.

B. Reasons for the denial of a request for reasonable accommodation may include:

(1) The requested accommodation would not be effective.

(2) Providing the requested accommodation would result in undue hardship. Before reaching this determination, the decisionmaker must have explored whether or not other effective accommodations exist that would *not* impose undue hardship and therefore could be provided. A determination of undue hardship means that the Service finds that a specific accommodation would result in significant difficulty or expense, or would fundamentally alter the nature of our operations.

(3) Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.

(4) The requested accommodation would require the removal of an essential function.

(5) The requested accommodation would require the lowering of a performance or production standard.

C. Keep in mind that the actual notice to the individual must include specific reasons for the denial; for example, why the accommodation would not be effective or why it would result in undue hardship. The written notice of denial also informs the individual that he/she has the right to file an EEO complaint and may have rights to pursue Merit System Protection Board and union or administrative grievance procedures. The notice also explains the procedures available for informal dispute resolution, described in paragraph 3.20. Within 10 days of the denial, the decisionmaker must provide a copy of FWS Form 3-2241 to the Servicing Human Resources Office, along with all information, including medical information, that the decisionmaker received in processing the request.

D. The Servicing Human Resources Office contact will maintain the medical records in accordance with OPM/GOVT-10.

3.20 Can I request reconsideration of a denial of a reasonable accommodation request? If an individual wishes reconsideration, he/she should first ask the decisionmaker to reconsider the decision, within 5 business days of receipt of the decision. The individual may present additional information in support of his/her request. The decisionmaker will respond to the request for reconsideration within 5 business days. If the decisionmaker is the supervisor, and he/she does not reverse the decision, the individual can ask either the next person in the decisionmaker's chain of command, or the Assistant Regional Director/Assistant Director to do so. If such a request is made, it will be responded to within 10 business days. Pursuing any of the informal dispute resolution procedures identified above, including seeking reconsideration from the decisionmaker, does not affect the time limits for initiating statutory and collective bargaining claims. An individual's participation in any or all of these informal dispute resolution processes does not satisfy the requirements for bringing a claim under EEO, MSPB, or union or administrative grievance procedures.

3.21 Are there any reporting requirements? The Servicing Human Resources Offices will report the following information, in the aggregate, to the Service Disability Program Manager annually:

(1) The number of reasonable accommodations, by type, that have been requested in the application process and whether those requests have been granted or denied.

(2) The jobs (occupational series, grade level, and agency component) for which reasonable accommodations have been requested.

(3) The types of reasonable accommodations that have been requested for each of those jobs.

(4) The number of reasonable accommodations, by type, for each job that have been approved, and the number of accommodations, by type, that have been denied.

(5) The number of requests for reasonable accommodations, by type, that relate to the benefits or privileges of employment, and whether those requests have been granted or denied.

(6) The reasons for denial of requests for reasonable accommodation.

(7) The amount of time taken to process each request for reasonable accommodation.

(8) The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

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(9) Any recommendations for improvement of the Service's reasonable accommodation policies and procedures.

3.22 Who pays for reasonable accommodations?

Each Regional Director and Assistant Regional Director is responsible for ensuring that sufficient resources are available for providing reasonable accommodations to qualified persons with disabilities. Historically, however, most reasonable accommodation requests involve minimal or no cost.

3.23 How do reasonable accommodation procedures relate to statutory and other claims?

A. This policy is in addition to administrative, statutory, collective bargaining, and other protections for persons with disabilities. Requirements governing the initiation of these types of claims, including time frames for filing such claims, remain unchanged. An individual who chooses to pursue remedies for denial of reasonable accommodation must:

(1) For an EEO complaint, contact an EEO counselor within 45 days from the date of receipt of the written notice of denial.

(2) For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement.

(3) For an administrative grievance, file the grievance within 15 days of the date of the denial of the accommodation.

(4) For a Merit Systems Protection Board claim, file it within 30 days of an appealable adverse action as defined in 5 CFR 1201.3.

B. If a member of the DCR staff has had any involvement in the processing of the request for reasonable accommodation, other than having received the report required in paragraph 3.21, that staff member must recuse him or herself from any involvement in the processing of an EEO counseling contact or complaint in connection with that request.